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OFFICE OF PETITIONS

In re Application of :
Ronald S. Kolessar et al : **DECISION GRANTING**
Application No. 10/811,174 : **PETITION**
Filed: March 26, 2004 :
Attorney Docket No. 03382-P0099A :

This is a decision on the petition under 37 CFR 1.10(d), filed July 7, 2005, requesting that the above-identified application be accorded a filing date of March 26, 2004, rather than the presently accorded filing date of March 25, 2004.

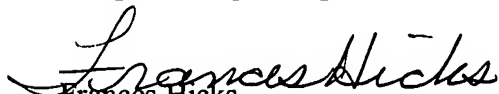
Petitioner requests the later filing date on the basis that the application was purportedly deposited with the U.S. Postal Service (USPS) as Express Mail on March 26, 2004, pursuant to the requirements of 37 CFR 1.10. The petition is accompanied by, *inter alia*, a copy of the Express Mail label, receipt No. EL889891135US. It is noted that the copy of the Express Mail receipt bears a handwritten "date-in" of March 25, 2004. Further, the petition is accompanied by a copy of the relevant page of the previous attorney's "Express Mail Logbook" with the following headings: SSJR File No., Express Mail No., Application No. (or "pending"), Date of Deposit, Time of Deposit, Place of Deposit, Time for Last Schld. Pickup, Signature of Depositor, Date of Logbook Entry, and Time of Logbook Entry. In further support, the petition is accompanied by a copy of the "U.S. Postal Service Track&Confirm email Restoration" information showing that the package in question, bearing the same Express Mail number found on the utility patent application transmittal was accepted and enroute on March 26, 2004.

In view of the above, the evidence is convincing that the application was deposited as "Express Mail" with the US Postal Service on March 26, 2004. Accordingly, the instant application is entitled to a filing date of March 26, 2004, and has been so accorded.

The petition is granted. No fee is required and none has been charged.

This matter is being referred to Technology Center AU 2161 for examination in due course.

Telephone inquiries specific to this matter should be directed to Wan Laymon at (571) 271-3220.


Frances Hicks
Lead Petitions Examiner
Office of Petitions